

### **EXAMINER'S AMENDMENT**

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on July 2, 2009, Mr. James Collins requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 23-1925 the required fee for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In claim 33, lines 12-13, after "a first detector", "for detecting" has been deleted and --that detects-- has been inserted therefor; then after "fluorescence intensities from irradiated", --particle components including-- has been inserted; then after "blood cells and", "irradiated" has been deleted; and then after "fluorescent carrier particles", --that reacted to the target substance-- has been inserted.

In claim 33, lines 14-15, after "a second detector", "for detecting" has been deleted and --that detects-- has been inserted therefor; then after "scattered light intensities from irradiated", --particle components including-- has been inserted; then

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after “blood cells and”, “irradiated” has been deleted; and then after “fluorescent carrier particles”, --that reacted to the target substance-- has been inserted.

In claim 33, line 16, after "an analyzing portion device configured", "for performing operations comprising" has been deleted and --to-- has been inserted therefor.

In claim 33, line 17, "differentiating" has been deleted and --differentiate-- has been inserted therefor.

In claim 33, line 20, "counting" has been deleted and --count-- has been inserted therefor.

In claim 33, lines 21-23, --differentially-- has been inserted before “detecting”; “detecting” has been deleted and --detect-- has been inserted therefor; then after “agglutination degree of the”, “differentiated” has been deleted; and then after “fluorescent carrier particles”, “based on the detected scattered light intensities by processing the output of the second detector” has been deleted and --that reacted to the target substance-- has been inserted therefor.

In claim 38, lines 24-25, after "a first detector", "for detecting" has been deleted and --that detects-- has been inserted therefor; and then after “irradiated particle components”, -- including fluorescent carrier particles that reacted to the target substance-- has been inserted.

In claim 38, lines 26-27, after "a second detector", "for detecting" has been deleted and --that detects-- has been inserted therefor; and then after “irradiated particle

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components", -- including fluorescent carrier particles that reacted to the target substance-- has been inserted.

In claim 38, line 29, after "an analyzing portion device configured", "for performing operations comprising" has been deleted and --to-- has been inserted therefor.

In claim 38, line 30, "differentiating" has been deleted and --differentiate-- has been inserted therefore; and then after "fluorescent carrier particles", "form" has been deleted and --from-- has been inserted therefor.

In claim 38, lines 34-36, --differentially-- has been inserted before "detecting"; "detecting" has been deleted and --detect-- has been inserted therefor; then after "agglutination degree of the", "differentiated" has been deleted; and then after "fluorescent carrier particles", "based on the detected scattered light intensities of the immunoassay sample transmitted by the second detector" has been deleted and --that reacted to the target substance-- has been inserted therefor.

In claim 38, line 37, "differentiating" has been deleted and --differentiate-- has been inserted therefor.

In claim 38, line 41, "counting" has been deleted and --count-- has been inserted therefor.

In claim 42, lines 12-13, after "a first detector", "for detecting" has been deleted and --that detects-- has been inserted therefor; then after "fluorescence intensities from irradiated", --particle components including-- has been inserted; then after "blood cells

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and", "irradiated" has been deleted; and then after "fluorescent carrier particles", --that reacted to the target substance-- has been inserted.

In claim 42, lines 15-16, after "a second detector", "for detecting" has been deleted and --that detects-- has been inserted therefor; then after "scattered light intensities from irradiated", --particle components including-- has been inserted; then after "blood cells and", "irradiated" has been deleted; and then after "fluorescent carrier particles", --that reacted to the target substance-- has been inserted.

In claim 42, line 19, after "a differentiating processor that", "distinguishes" has been deleted and --differentiates-- has been inserted therefor.

In claim 42, line 20, after "fluorescent carrier particles", --that reacted to the target substance-- has been inserted.

In claim 42, line 23-25, after "in communication with the second detector that", "translates" has been deleted, and --differentially detects agglutination degree of-- has been inserted therefor; and then after "fluorescent carrier particles", "into a rate of agglutination based on the received output of the second detector" has been deleted and --that reacted to the target substance-- has been inserted therefor.

Claim 43 has been cancelled.

New claim 45 has been added as follows:

--[Claim] 45 (new) The analyzer of claim 42 where the agglutination processor comprises means for detecting agglutination degree of the fluorescence carrier particles based on the detected scattered light intensities captured in the output of the second detector.--

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GAIENE R. GABEL whose telephone number is (571)272-0820. The examiner can normally be reached on Monday, Tuesday, Thursday, 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Shibuya can be reached on (571) 272-0806. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GAILENE R. GABEL/  
Primary Examiner, Art Unit 1641

July 2, 2009